

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROBERT L. GARBER, On Behalf of Himself	:	Civil Action No. 1:07-cv-04774-AKH
and All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MACY'S INC. (f/k/a FEDERATED	:	
DEPARTMENT STORES, INC.), et al.,	:	
	:	
Defendants.	:	
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MARLENE BLANCHARD, Individually and	:	Civil Action No. 1:07-cv-06112-AKH
On Behalf of All Others Similarly Situated,	:	
	:	<u>CLASS ACTION</u>
Plaintiff,	:	
	:	
vs.	:	
	:	
MACY'S INC. (f/k/a FEDERATED	:	
DEPARTMENT STORES, INC.), et al.,	:	
	:	
Defendants.	:	
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	X	

NOTICE OF NON-OPPOSITION TO PINELLAS PARK RETIREMENT SYSTEM'S
MOTION FOR CONSOLIDATION, APPOINTMENT AS LEAD PLAINTIFF AND FOR
APPROVAL OF SELECTION OF LEAD COUNSEL

On August 3, 2007, within 60 days of the publication of the requisite notice on June 4, 2007, Institutional Investor Pinellas Park Retirement System (General Employees) (“Pinellas Park”), timely filed a Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel. One other motion was filed by The Teamsters Local 272 Pension Fund (the “Teamsters”).

On August 17, 2007, the Teamsters withdrew its motion for appointment as lead plaintiff. Pinellas Park respectfully submits this notice to inform the Court that its motion is now unopposed.

As set forth in its prior submission, Pinellas Park: (i) timely filed its motion; (ii) has the largest financial interest in the relief sought by the class (having suffered losses of \$19,932.95); (iii) satisfies Federal Rule of Civil Procedure 23; and (iv) typifies the type of investor encouraged by Congress to serve as lead plaintiff in cases such as this. *See* 15 U.S.C. §78u-4(a)(3)(B); *see also Ferrari v. Impath, Inc.*, No. 03 Civ. 5667, 2004 U.S. Dist. LEXIS 13898, *10 (S.D.N.Y. July 15, 2004) (holding that the purpose behind the PSLRA is best achieved by encouraging institutional investors to serve as lead plaintiffs).

Accordingly, pursuant to the Private Securities Litigation Reform Act of 1995, Pinellas Park is the “most adequate plaintiff” to lead this litigation on behalf of the class and its selection of lead counsel should be approved. *See* 15 U.S.C. §78u-4(a)(3)(B)(iii); *see also Fitzgerald v. Citigroup Inc.*, 03 Civ. 4305 (DAB), 2004 U.S. Dist. LEXIS 5066, at *12-*13 (S.D.N.Y. March 26, 2004) (granting unopposed lead plaintiff motion); *Martingano v. Am. Int’l Group, Inc.*, 06-CV-1625 (JG) (JMA), 2006 U.S. Dist. LEXIS 47855, at *10-*11 (E.D.N.Y. July 11, 2006) (same); *In re Symbol Techs. Securities Litigation*, 05-CV-3923 (DRH)(JO), 2006 U.S. Dist. LEXIS 24776 (E.D.N.Y. April 26, 2006) (same).

DATED: August 21, 2007

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP

/s/ Mario Alba Jr.

MARIO ALBA JR.

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[Proposed] Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Mario Alba Jr., hereby certify that on August 21, 2007, I caused a true and correct copy of the attached:

Notice of Non-Opposition to Pinellas Park Retirement System's Motion for Consolidation, Appointment as Lead Plaintiff and for Approval of Selection of Lead Counsel

to be served: (i) electronically on all counsel registered for electronic service for this case; and (ii) by first-class mail to all additional counsel on the attached service list.

/s/ Mario Alba Jr.

Mario Alba Jr.

MACY'S FEDERATED

Service List - 8/1/2007 (07-0126)

Page 1 of 1

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